

REGULATION

Appointing Authority Letter Reference:	Effective Date: August 20, 2000	Index Reference:	Regulation Number: 5.09
Issuing Bureau: Human Resource Services	Rule Reference: Chapter 5 <u>Civil Service Commission Rule 5-10.2</u>		Replaces: Compensation Procedure 9
Subject: ANNUAL, LEAVE, ANNUAL LEAVE TRANSFER, PERSONAL, AND SCHOOL PARTICIPATION LEAVE			

1. PURPOSE

A. This regulation establishes the standards and procedures for paid annual leave, school participation leave and personal leave.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

A. Rule 5-10.2 Paid Leave

(a) Leave accrual and accumulation.

(1) Annual and Personal Leave.

(A) Upon entry into the classified service, an eligible employee is credited with an initial annual leave grant of 16 hours, which is immediately available for use, upon approval of the appointing authority. The 16 hours of annual leave cannot be credited to an employee more than once in a calendar year.

(B) After completion of 720 hours of paid service in the initial appointment, an eligible employee has annual leave credited in accordance with the following leave table:

<u>Years of Service</u>	<u>Hours of Annual Leave Accrued (for 80 hours of service)</u>	<u>Maximum Accumulation (total hours of annual and personal leave)</u>
<u>Less than 1</u>	<u>4.0</u>	<u>256</u>
<u>1 – 5</u>	<u>4.7</u>	<u>256</u>
<u>5 – 10</u>	<u>5.3</u>	<u>271</u>
<u>10 – 15</u>	<u>5.9</u>	<u>286</u>
<u>15 – 20</u>	<u>6.5</u>	<u>301</u>
<u>20 – 25</u>	<u>7.1</u>	<u>306</u>
<u>25 – 30</u>	<u>7.7</u>	<u>316</u>
<u>30 – 35</u>	<u>8.4</u>	<u>316</u>
<u>35 – 40</u>	<u>9.0</u>	<u>316</u>
<u>40 – 45</u>	<u>9.6</u>	<u>316</u>
<u>45 and above</u>	<u>10.2</u>	<u>316</u>

(C) An employee paid for less than 80 hours in a biweekly pay period is entitled to a prorated amount of annual leave. Paid service in excess of 80 hours in a biweekly pay period is not counted.

(D) In addition to annual leave, an eligible employee with at least 6 months of continuous satisfactory service on October 1 of each year is credited with 16 hours of personal leave.

(E) An employee may accumulate credited annual and personal leave hours up to the combined maximum authorized in the leave table in subsection (a)(1)(B). Any annual or personal leave hours earned above the maximum accrual cannot be credited and the hours are lost.

(2) School participation leave. An eligible employee who has completed 1,040 hours of satisfactory service is credited with 8 hours of school participation leave each October 1. School participation leave credits not used by the last pay period of the fiscal year are lost.

(b) Leave use and limitations.

(1) Crediting and use of annual, personal, and school participation leave credits. An employee is credited with annual, personal, and school participation leave in accordance with the compensation plan. An employee may use annual, personal,

and school participation leave when approved by the appointing authority in accordance with the compensation plan.

(3) Other limitations. Annual, personal, school participation, and sick leave cannot be authorized, accumulated, or credited in excess of limits established in the compensation plan.

(4) Special credit for annual leave and longevity. Solely for the purpose of annual leave and longevity credit, a career employee is allowed state service credit for the following:

(A) Service in a nonelective excepted or exempted position in a principal department, the legislature, or the supreme court, that immediately precedes entry or return to the classified service.

(B) Up to five years of honorable service in the armed forces of the United States completed before entry into the classified service. When an employee who has received additional annual leave and longevity separates from the classified service and subsequently returns, military service previously credited is recognized as prior service, subject to requalification for the benefits of this rule.

3. STANDARDS

A. Annual Leave

1. Initial Leave Grant — Upon entry into the classified service ~~and a career~~ employee ~~shall be~~ credited with ~~sixteen (16)~~ hours of annual leave.

a. An employee may not be credited with the initial leave grant more than once per calendar year.

b. An employee who separates and returns to state service in the same calendar year is not eligible to receive the 16 hour initial leave grant.

~~(1) The Payroll Personnel Information System automatically credits each new employee with this grant. If an employee separates and is rehired within the same calendar year, the 16 hours must be manually removed from the employee's leave balance.~~

2. Crediting and Accumulation — ~~In addition to the initial annual leave grant of 16 hours, a career employee shall be entitled to annual leave with pay for~~

~~each 80 hours of paid service in accordance with the following table~~A career employee accrues annual leave for each 80 hours in full pay status in accordance with the annual leave table established by the Civil Service Commission:

~~ANNUAL LEAVE TABLE~~

Service Credit		Accrual Rate (hrs/80 hrs service)	Maximum Accumulation (Hours)
Years	Hours		
0-1	0-2,079	4.0	240
1-5	2,080-10,399	4.7	240
5-10	10,400-20,799	5.3	255
10-15	20,800-31,199	5.9	270
15-20	31,200-41,599	6.5	285
20-25	41,600-51,999	7.1	290
25-30	52,000-62,399	7.7	300
30-35	62,400-72,799	8.4	300
35-40	72,800-83,199	9.0	300
40-45	83,200-93,599	9.6	300
45-50	93,600-103,999	10.2	300

~~Only time worked subsequent to January 1, 1938, is creditable.~~

- a. ~~Employees shall earn~~An employee accrues annual leave with pay in accordance with ~~their~~ total (both prior and currently continuous) classified service upon completion of five years (10,400 hours) of currently continuous service.
 - (1) ~~An E~~employees who separates and returns to state service must requalify for additional annual leave.
- b. Paid service in excess of 80 hours in a bi-weekly work period ~~shall~~is not ~~be~~ counted.
- c. When paid service does not total 80 hours in a bi-weekly work period, ~~the employee shall not earn leave credits for that pay period. Those hours will be carried forward to complete subsequent pay periods where paid~~

~~service does not total 80 hours~~leave credits will be pro-rated based on hours in pay status for that pay period.

- d. Annual leave ~~shall be~~is credited at the end of ~~the~~each bi-weekly work period ~~in which 80 hours of paid service are completed.~~
- e. ~~Permanent~~Career employees eligible for special credit for unclassified or military service for annual leave under ~~Compensation and Fringe Benefits~~Civil Service Commission Rule ~~5-5.35-10.2~~, ~~shall be~~are subject to the same standards and documentation requirements as for longevity (see ~~Procedure~~Regulation 5.05 Longevity ~~Compensation, Page D-47~~).
- f. No employee ~~shall be permitted~~is allowed annual leave accumulation in excess of the maximum listed in the Annual Leave Table, except under the following conditions:
 - (1) An employee assaulted by a resident, client or member of the general public, if covered by the following public acts: Public Act 293, 1975 (MCLA 791.263a, amending P.A. 232, 1953) for the Department of Corrections; Public Act 414, 1976 (MCLA 330.1113, amending P.A. 258, 1974) for the Department of Community Health; Public Act 131, 1978 (MCLA 400.1, et seq., amending P.A. 280, 1934) for Family Independence Agency Institutional Employees; and Public Act 452, 1978 (MA 38.1181) for Department of State employees providing direct services to the public.
 - (2) An employee who is suspended or dismissed in accordance with commission rules and who is subsequently returned to employment with full service benefits.

3. Use of Annual Leave

- a. An employee ~~shall be~~is allowed to use the initial grant of 16 hours immediately upon hire, with the prior approval of the appointing authority.
- b. An employee may use annual leave only with the prior approval of the appointing authority, except under the circumstances described by Standard ~~III-D~~3,d.
- c. An employee ~~shall~~is not ~~be~~ allowed to use annual leave other than the initial grant until completion of 720 hours ~~of paid service~~ in the initial appointment.

- (1) ~~An E~~employees who ~~are is~~ reinstated to state service within three years of separation ~~shall will~~ have the 720 hour paid service period waived and ~~be is~~ able to use annual leave immediately upon hire.
- d. An employee ~~has the option of using~~may use accrued annual leave ~~credits~~ when an insufficient amount of sick leave ~~credits~~ exists to cover an absence for which sick leave ~~credits~~are is normally used. In this circumstance, the standards of ~~Procedure 10~~Regulation 5.10 pertaining to use of sick leave ~~shall~~ apply.
- e. Annual leave ~~shall be is~~ available for use only in bi-weekly work periods subsequent to the bi-weekly work period in which it is earned.
- f. Annual leave ~~shall may~~ not be credited or used in anticipation of future leave ~~credits~~accruals. In the absence of applicable ~~leave credits~~accrued leave, compensation reductions for ~~the time lost shall~~lost time will be made for the work period in which the absence occurred.
- g. Annual leave ~~credits shall~~may not be used to extend employment.
- h. ~~Employees permitted~~An employee allowed annual leave accumulation in excess of the maximums listed in the annual leave table under the exception (Standard ~~H, G2.f~~) above, ~~shall be granted~~will be allowed up to one year from the date of return to employment to liquidate the amount of annual leave above the maximum by ~~means~~use of paid time off work.
4. **Transfer** — ~~Employees who voluntarily~~An employee who transfers from one state department to another ~~state department~~ may ~~elect to~~ transfer up to 80 hours of ~~accumulated~~accrued annual leave. Annual leave in excess of 80 hours up to the maximum may be transferred with the approval of the appointing authority to whose service the employee transfers. ~~Employees shall be~~An employee is paid in cash at their current rate of pay for unused annual leave which is not transferred.
5. **Layoff** — ~~An E~~employees separated by reason of layoff may elect to freeze annual leave up to their accrued balances at time of layoff or ~~to be~~ paid off for it. If the employee freezes annual leave, the leave balance ~~shall be is~~ retained until the employee elects to be paid off for the balance or until the employee's recall rights expire, which ever occurs first. Payoff ~~shall be made at a~~amount is calculated on the employee's last rate of pay.

- a. If an employee elects to be paid off for annual leave at time of separation by reason of layoff, the employee upon recall may elect to buy back annual leave, subject to the following conditions:

- (1) An employee recalled to the department/agency from which laid off may elect to buy back any portion of annual leave up to the amount paid off.
- (2) An employee recalled to a permanent position in a different department/agency may elect to buy back any portion of annual leave which had been paid off up to 80 hours.
- (3) An employee electing this option ~~shall~~must buy back the annual leave at the returning rate of pay.
- (4) Such payment ~~shall be~~is made to the department/agency making the original payoff.
- (5) This option may be exercised only once per recall, and must be exercised during the first 13 pay periods of the recall.

~~(6) The buy back provisions are applicable only to employees laid off on or after October 1, 1982.~~

- 6. Payoff on Retirement, Death or Separation** — When employment is terminated for any reason, after the employee has completed 720 hours of creditable service, the employee or beneficiary ~~shall be~~is paid for the balance of unused annual leave, at the employee's last rate of pay.

- a. Payment for unused annual leave ~~shall be~~is limited to no more than the applicable maximum listed in the Annual Leave Table of unused credited annual leave. This includes those employees who, under the exception noted above, were permitted under special circumstances to accrue more than the maximum.
- b. Payment for unused annual leave in excess of 240 hours at retirement ~~shall~~is not to be included in final average compensation for purposes of calculating the level of retirement benefits.

- 7. Deferred Hours** — Deferred hour credits are to be administered in the same manner as annual leave.

8. Annual Leave Transfer — A direct leave transfer process and a central leave bank are available to assist non-exclusively represented employees facing financial hardship due to serious injury or prolonged illness of the employee or the employee's dependent spouse, child or parent:

a. General Provisions

- (1) An employee may receive a direct transfer of annual leave from employees within their employing department, or through the central leave bank, subject to the following conditions:
 - (a) The receiving employee has successfully completed the initial probationary period;
 - (b) The receiving employee has exhausted all leave credits;
 - (c) The receiving employee's absence has been approved.
- (2) An employee may receive a combined maximum donation of 240 hours per calendar year.
- (3) Donations of annual leave (either by direct transfer or to the central leave bank) are irrevocable and are limited to a combined maximum of 40 hours in a calendar year. Donations must be in whole hour increments.
- (4) Unused donated annual leave must be forwarded to the central leave bank.

b. Direct Leave Transfer

- (1) Direct leave transfers must be made prior to or concurrently with the employee's absence.
- (2) The right to donate hours and receive hours through direct transfer is not limited to non-exclusively represented employees where a collective bargaining agreement provision allows for similar direct transfer donation of annual leave.
- (3) Direct leave transfer requires a completed Direct Leave Transfer Form approved by the appointing authority.

c. Central Leave Bank

- (1) The central leave bank will be administered by the Department of Management and Budget, Office of Administrative Services.
- (2) Donations of annual leave may be made to the central leave bank during January of each year.
- (3) Donations of leave to the bank and requests for annual leave from the bank require a completed Central Leave Bank Transfer Form approved by the appointing authority.

B. Personal Leave – A career employee with at least 6 months of continuous satisfactory service on October 1 of each year is credited with 16 hours of personal leave. These leave hours are credited to an employee's annual leave balance and are to be used in accordance with normal requirements for annual leave.

1. A less than full-time employee receives proportionate credit in the same manner as holidays.
2. An employee covered by other paid personal leave credit provisions under a collective bargaining agreement and who subsequently moves to a position that is excluded from representation or not covered by a bargained agreement, receives appropriate paid personal leave credit immediately upon transfer out of the unit unless a similar grant was received in the same fiscal year under the bargained agreement.
3. An employee recalled from layoff is credited with the personal paid leave credit on a prorated basis for the balance of the fiscal year.

B.C. School Participation Leave — A ~~Non~~-exclusively represented career employees who ~~have~~has completed 1,040 hours of satisfactory service ~~shall~~is credited annually ~~receive~~with eight (8) hours of school participation leave to be used in accordance with normal requirements for annual leave, and consistent with the provisions below:

1. An ~~E~~employees may use the leave to participate in any educational activity including but not limited to, tutoring, field trips, classroom programs, and school committees.

2. The use of the leave is for active participation in school sponsored secular educational activities by employees, and not after school recreational programs. Additionally, the leave is intended for pre-school education programs, K-12, and adult literacy programs, and not college or university-related programs.
3. School participation leave ~~shall be~~is utilized in increments of one hour.
4. ~~To request school participation leave, employees shall complete~~An employee must obtain prior approval to use school participation leave on a school participation leave form provided by the appointing authority.
5. School participation leave ~~will be~~is credited to employees on each October 1, ~~beginning 10/1/94,~~ and will not carry forward beyond the fiscal year.

CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 335-7862 or (517) 373-7618, or MDCS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations that implement Commission Rules are subordinate to those Rules.